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Attorneys for Plaintiff
SUCCESSFACTORS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUCCESSFACTORS, INC., a Delaware
corporation,

Plaintiff,

v.

SOFTSCAPE, INC., a Delaware
corporation; and DOES 1-10, inclusive,

Defendants.

Case No. CV 08-01376 CW

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
DISCOVERY REFEREE**

Courtroom: G, 15th Floor
Judge: Magistrate Judge Bernard Zimmerman

Date of Filing: April 28, 2008
Trial Date: June 1, 2009

Plaintiff SuccessFactors, Inc. and Defendant Softscape, Inc., by and through their respective
counsel of record, hereby stipulate and agree as follows:

1. The Court's July 7, 2008 Third Discovery Order (Docket No. 159) states that the
"parties must agree to a discovery referee or each party must submit a list of five available

1 discovery referees without conflict by July 18, 2008.”

2 2. The parties are in the process of identifying and contacting discovery referees and
3 require additional time to complete conflict checks and finalize their respective lists of available
4 discovery referees or to agree on a stipulated referee.

5 3. The parties therefore request an order extending their deadline to either agree on a
6 stipulated referee or submit lists of available discovery referees from July 18, 2008 to July 22,
7 2008.

8 **IT IS SO STIPULATED.**

9 Dated: July 18, 2008

FENWICK & WEST LLP

10 By: /s/ Laurence F. Pulgram

11 Laurence F. Pulgram
12 Attorneys for Plaintiff SuccessFactors, Inc.

13 Dated: July 18, 2008

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
14 AND POPEO, P.C.

15 By: /s/ Bryan J. Sinclair

16 Bryan J. Sinclair
17 Attorneys for Defendant Softscape, Inc.

18 **ATTESTATION**

19 Concurrence in the filing of this document has been obtained from the other signatories.

20 **[PROPOSED] ORDER**

21 Plaintiff SuccessFactors, Inc. and Defendant Softscape, Inc.’s Joint Stipulation and
22 [Proposed] Order Regarding Discovery Referee is hereby GRANTED. The July 18, 2008 deadline
23 is hereby continued by two (2) court days. The parties must agree on a stipulated referee or each
24 party must submit a list of five available discovery referees without conflict by July 22, 2008.

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 Dated: _____, 2008

27 Magistrate Judge Bernard Zimmerman
28 United States District Court Judge

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ATTORNEYS AT LAW
SAN FRANCISCO